

HOUSE No. 2635

By Ms. Walz of Boston, petition of Martha M. Walz for legislation to require direct billing for certain pathology tests. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING FOR DIRECT BILLING FOR CERTAIN PATHOLOGY TESTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 118G of the General Laws is hereby amended by
2 adding the following section:—

3 Section 27. (a) For the purposes of the section the following
4 words shall have the following meanings:

5 “Anatomic pathology service”, histopathology, surgical
6 pathology. cytopathology, hematology, sub-cellular pathology,
7 molecular pathology and blood-banking services performed by a
8 pathologist.

9 “Cytopathology”, the examination of cells, from fluids, aspi-
10 rates, washings, brushings, or smears, including the Pap test
11 examination performed by a physician or under the supervision of
12 a physician.

13 “Hematology”, the microscopic evaluation of bone marrow
14 aspirates and biopsies performed by a physician or under the
15 supervision of a physician, and peripheral blood smears when the
16 attending or treating physician or technologist requests that a
17 blood smear be reviewed by a pathologist.

18 “Histopathology or surgical pathology”, the gross and micro-
19 scopic examination of organ tissue performed by a physician or
20 under the supervision of a physician.

21 (b) A clinical laboratory or physician providing anatomic
22 pathology services for patients in the commonwealth, shall pre-
23 sent or cause to be presented a claim, bill or demand for payment

24 for these services only to the following: (i) the patient directly;
25 (ii) the responsible insurer or other third-party payor; (iii) the hos-
26 pital, public health clinic, or nonprofit health clinic ordering such
27 services; (iv) the referral laboratory, other than a physician's
28 office laboratory; or (v) the governmental agency or its specified
29 public or private agent, agency or organization on behalf of the
30 recipient of the services.

31 (c) Except as provided under this section no licensed practi-
32 tioner shall, directly or indirectly, charge, bill or otherwise solicit
33 payment for anatomic pathology services unless such services
34 were rendered personally by the licensed practitioner or under the
35 licensed practitioner's direct supervision under section 353 of the
36 Public Health Service Act (42 U.S.C. 263a).

37 (d) No patient, insurer, third party payor, hospital, public health
38 clinic, or non-profit health clinic shall be required to reimburse
39 any licensed practitioner for charges or claims submitted in viola-
40 tion of this section.

41 (e) Nothing in this section shall be construed to mandate the
42 assignment of benefits for anatomic pathology services.

43 (f) The provisions of this section do not prohibit billing
44 between laboratories for anatomic pathology services in instances
45 where a sample or samples must be sent to another specialist.

46 (g) The board of registration in medicine may revoke, suspend
47 or deny renewal of the license of any practitioner who violates
48 this section.